

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re MARK T.HOOFMAN,

Petitioner, as owner of a certain  
2001 Sea Doo 10 foot watercraft  
with Hull Identification No. ZZN28988L001,

Case No. 1:06-cv-148

Hon. Hugh W. Brenneman, Jr.

v

LINDSAY DAVIS,

Claimant.

THOMAS, DeGROOD & WITENOFF, P.C.  
Gregory I. Thomas (P32488)  
*Attorneys for Petitioner*  
400 Galleria Officentre, Suite 550  
Southfield, Michigan 48034  
(248) 353-4450

NOLAN, NOLAN & SHAFER  
Geoffrey T. Nolan (P62957)  
*Attorney for Claimant Davis*  
40 Concord Avenue  
Muskegon, MI 49442  
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**JUDGMENT OF EXONERATION**

At a session of said court  
held at Federal Building,  
110 Michigan, N.W.,  
Grand Rapids, Michigan, on  
October 27, 2006

PRESENT: Honorable Hugh W. Brenneman, Jr., U.S. Magistrate Judge

The court, being advised of the stipulation of counsel, and being otherwise fully advised in the premises,

**IT IS HEREBY ORDERED AND ADJUDGED** that Petitioner Mark T. Hoofman, as it relates to Claimant Lindsay Davis' injuries and damages allegedly resulting from the August 1, 2003 incident involved in Petitioner's Petition, were not caused by or attributable to any fault, design, neglect or want of due care on the part of Petitioner Mark Hoofman, and any and all such damage was occasioned and occurred without Petitioner's privity or knowledge;

**IT IS FURTHER ORDERED AND ADJUDGED** that, due to the above, the Petitioner Mark T. Hoofman is not liable to any extent for any loss, damage or injury for any

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claim whatsoever in any way arising out of or in consequence of the incident, and, therefore, is entitled to exoneration;

**IT IS FURTHER ORDERED AND ADJUDGED** that Petitioner Mark T. Hoofman be and hereby is exonerated;

**IT IS FURTHER ORDERED AND ADJUDGED** that the Clerk of the Court shall release the \$4,850.00 deposited by Petitioner pursuant to the Order of this Court, with interest, to: Markel American Insurance Company;

**IT IS SO ORDERED.**

/s/ Hugh W. Brenneman, Jr.  
U.S. Magistrate Judge

IT IS SO STIPULATED:

s/Gregory I. Thomas  
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